

**MINUTES
LEWIS COUNTY PLANNING BOARD
JULY 21, 2022**

- (1) **Call to Order:** Chairman Petersen called the regular meeting of the Lewis County Planning Board to order at 2:30 PM in the conference room on the 2nd floor at the Lewis County Court House, Lowville, New York. Roll call was requested by Mr. Petersen.
- (2) **Roll Call:** Board Members Present: Tim Petersen, John Lehman, Thomas Osborne, Eric Virkler, Sarah Metott; Tim Hunt joined at 2:32 pm and left at 3 pm. Staff Present: Megan Krokowski, Community Development Specialist. Public present: Erica Sawyer and Lily Sawyer.
- (3) **Reading and Approval of Minutes:** The draft June 16, 2022 meeting minutes were received and reviewed prior to the meeting. Mr. Virkler motioned to approve the minutes; Mr. Cook seconded the motion, which carried unanimously.
- (4) **Correspondence and Communication:** Ms. Krokowski reviewed the following communications received from the Adirondack Park Agency:
 - **APA Permit 2010-0283A Final approval**
Robert A. and Cheryl R. Comins, Accessory Structure Garage, Town of Greig
 - **APA Permit 2011-0196A Final approval**
Scott M. & Giuliana P. Hughes, Accessory Structure Garage, Town of Watson
 - **APA Project No. 2022-0141**
Kurt J. & Penny R. Dittl, Two-lot subdivision, North South Road, Town of GreigThe Board had no comments to provide based on the correspondence received.
- (5) **Report of Officers:** None
- (6) **Report of Special Committees:**

239-M Review

Ms. Krokowski read the following review:

TOWN OF LEWIS PLANNING BOARD

Site Plan Review for a proposed campground with 30 recreational vehicle sites located at 1830 Fish Creek Road (County Route 47) in the Town of Lewis.

Tax Map Parcel #389.00-02-02.111

Nowwhac LLC – Applicant

Jerry King, member of the Town of Lewis Planning Board, provided the following project documentation: 1) Site Plans; 2) Agricultural Data Statement; 3) Property Deed; 4) 2022 Tentative Assessment Roll; 5) EAF Mapper and 6) SEQR Short Environmental Assessment Form.

- *Compatibility With Adjacent Uses:*

The proposed action is located on approximately 78 acres within the Town of Lewis' "AF" Zoning District which stands for Agricultural/ Forest. The proposed action is not located within Agricultural District 6; however, according to the submitted SEAF, the applicant has identified that the proposed action is nearby or adjoining agriculture and residential land uses. Based on the submitted materials, the proposed action could be considered a campground, which is an allowable use in the "AF" Zoning District contingent on the receipt of a site plan review and an annual campground license according to Section 12.14 of the Town of Lewis Land Use Law.

Lot Frontage: Approximately 500' (100' required)
Road Setback: Approximately 265' (50' required)
Side Setback: Approximately 80' (15' required)
Rear Setback: Approximately 1600'+(15' required)

- *Traffic Generation and Effect:*

The submitted SEAF notes that the proposed action will not result in a substantial increase in traffic above present levels; however, since the proposed project will be able to accommodate 30 RVs at a time, this may increase the present traffic levels.

According to the Lewis County GIS, it appears that there is no existing entrance to the property; therefore, a new egress/ingress will be required. Since the proposed action is on Fish Creek Road (County Route 47), a County Driveway Permit will need to be obtained prior to construction.

Details regarding the proposed on-site roadway should be requested and evaluated by the Town Highway Superintendent, including road width and material to be used and follow section 12.6 of the Town of Lewis Land Use Law.

- *Protection of Community Character:*

According to the SEAF submitted by the applicant, the proposed action is not in a critical environmental area, national or state register of historical places or state eligible sites or archeological site, is not critical habitat to threatened/endangered species, and does not contain all or part of a registered National Natural Landmark. Even though critical habitat is not identified, the IPAC Report identified the Monarch Butterfly an endangered species native to the area, if land clearing, avoid the summer months if possible as the butterflies use grasses/shrubs/trees as their summer habitat. As part of this review, an Environmental Assessment Form Mapper was completed; the project site, or any portion of it, is not located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

- *Signage:*

The proposed action referral did include plans for a 4' x 8' sign. Sign designs were not provided but are required to follow Article 9 of the Town of Lewis Land Use Law.

- *Drainage:*

According to the submitted SEAF, the proposed action will physically disturb 4 acres and will result in stormwater runoff. This falls above the 1-acre threshold, requiring the applicant to obtain a SPDES permit.

The Environmental Resource Mapper was completed as part of this review and identified 18.1 acres of State regulated freshwater wetlands as well as multiple undisclosed acres of designated freshwater wetland check zone. Project site is approximately .3 miles away from delineated significant natural communities and identified rare plants and animals. Additionally, the parcel has several identified National Wetlands Inventory sites, including an identified riverine, a freshwater pond, multiple freshwater forested/shrub wetlands and a freshwater emergent wetland. Please avoid development in these areas.

According to FEMA Flood Map 3603680025 C, the parcel of land is identified as Zone X as defined as area outside 500-year flood, please note that this flood map notates the road as Crofoot Road instead of Fish Creek Road.

- *Parking:*

The proposed project did not detail parking; however, it is recommended the applicant provide 1 parking space per employee according to Article 11 of the Town of Lewis Land Use Law. There appears to be no designated management/office area, it is recommended one be on site, please provide the Town of Lewis the detailed plans for review. Impervious pavements should be avoided to avoid stormwater runoff.

- *Community Facilities:*

According to the submitted project SEAF, the proposed action would not connect to existing public water supply or wastewater utilities. The site drawing designated an area reserved for a septic system, but Department of Health mandates should be followed for this system. The applicant did not provide details on how potable water would be provided; these details should be attained prior to approval of the site plan. If drilling a well, we recommend adding the stipulations that a DEC Certified Well Driller be utilized.

- *Lighting:*

The proposed action included adequate lighting details on the site plan.

- *Landscaping and Screening:*

The applicant's provided site plan notates where vegetation lines will remain. The natural topography should limit negative visual impacts.

According to Article 3, Section 360 §3j, *commercial use, storage, or application of pesticides, unless authorization by the New York State Department of Environmental Conservation, is prohibited.*

Recommendation: Approve with Conditions

1. Since the proposed action is on County Route 47, a County Driveway Permit will need to be obtained prior to construction.
2. The Town of Lewis may want to consider if a traffic study is warranted due to the scope of the proposed project.
3. Details regarding the proposed on-site roadway should be requested and evaluated by the Town Highway Superintendent, including road width and material to be used and follow section 12.6 of the Town of Lewis Land Use Law.
4. IPAC Report identified the Monarch Butterfly an endangered species native to the area, if land clearing, avoid the summer months if possible as the butterflies use grasses/shrubs/trees as their summer habitat.
5. Sign designs were not provided but are required to follow Article 9 of the Town of Lewis Land Use Law.
6. Recommendation to review the Town of Lewis Land Use Law should be evaluated regarding adding a possible sign review process and minimum square footage per campsite.
7. The proposed action includes 4 acres of ground disturbance; therefore, the applicant will be required to obtain a SPDES permit prior to construction.
8. Ensure development does not encroach on the wetland areas identified with the Environmental Resource Mapper.
9. The proposed project did not detail parking; however, it is recommended the applicant provide 1 parking space per employee according to Article 11 of the Town of Lewis Land Use Law.
10. There appears to be no designated management/office area; it is recommended one be on site to ensure proper utilization and maintenance of the proposed campsites. Please provide the Town of Lewis the detailed plans for review.
11. Impervious pavements should be avoided to avoid stormwater runoff.
12. Ensure Department of Health Appendix 75 is followed for the proposed septic system.
13. Prior to approval, the Town of Lewis Planning Board shall review the applicant's plans to provide potable water. If plans include drilling a well, it is recommend adding the stipulations that a DEC Certified Well Driller be utilized.
14. According to Article 3, Section 360 §3j, *commercial use, storage, or application of pesticides, unless authorization by the New York State Department of Environmental Conservation, is prohibited.*
15. Compliance with all local, state, and federal requirements for this type of facility.

Mr. Hunt indicated that the proposed project would not increase the traffic levels from the project.

Ms. Sawyer, a nearby property owner, discussed her concern with the road width and the increase in the traffic generated by the proposed activity. Mr. Hunt stated that standard road width is 18' and most of Fish Creek Road is 20'. Ms. Sawyer brought up the speed limit and absence of police presence and how she is trying to represent the concerns of several other property owners that are at work and not able to attend today's meeting. Mr. Hunt said if you widen roads, it causes people to increase speed and accidents would be increased, so increasing width of Fish Creek Road is not a viable option to combat the concerns.

Mr. Hunt spoke to the fact the residents want to provide input regarding reduced speed limits; however, DOT is the authority for road speed limits, and they look at traffic volume, number of driveways and turns. Mr. Hunt explained the process to achieve speed limit changes; the Town of Lewis would have to pass a resolution requesting a traffic study, which would go to Mr. Hunt to be forwarded on to NYS DOT. Points were made that the request would work best to wait until after the project is constructed because the proposed project could bring traffic volume and increases the driveway entrances and, in theory, turns.

Ms. Sawyer stated how they were blatantly told that this was not going to be a campground.

Ms. Sawyer asked if Fish Creek Road is approved for ATV's and Snowmobiles on the road as she and other residents are concerned that the campground will exacerbate the drunk driving issues.

Ms. Sawyer corrected the section "Traffic Generation and Effect" that the property does have a current driveway; Mr. Hunt indicated that they would need to request a new permit because the campground would be a change in use.

Mr. Virkler asked if a market analysis had been done. Ms. Sawyer discussed the site plan and how there is a road that goes nowhere to see if they were planning for future development or water development for water cross or similar events.

Ms. Sawyer stated that they have two phase electricity, and since they are at the end of the line, they are concerned that the already fragile electricity service could become even more stressed. This is a concern because of the hardship it could cause to her active farm operation.

Ms. Sawyer was also curious as to how this property would be taxed moving forward now that they are proposing a commercial use. The Board indicated that would be a question for the Town Tax Assessor and/or the Real Property Tax office, which is located on the first floor of this building.

Ms. Sawyer stated that she did not know how to get increased police presence as she has already made numerous calls. The Board suggested she should ask the Town to request increased police presence as well as putting the requests in writing.

Mr. Lehman and the Board had a brief discussion on what it considered 'adequate lighting'. Discussion was had about adding an additional parking requirement as many times campers also bring more than one vehicle. Additionally, the Board recommends adding a recommendation to ensure compliance of NYS Title 10 Part 7 Subpart 7-3 Campgrounds. The Board also requested an additional statement be added to recommendation 10 to include "for monitoring access in and out of the facility."

With no further questions or comments, Mr. Osborne made a motion to approve the proposed action with the recommendations and additions; Ms. Metott seconded this motion, which carried unanimously.

Ms. Krokowski then read the second review:

TOWN OF TURIN PLANNING BOARD

Special Use Permit to renew special use permit for campgrounds at Snow Ridge located at 4173 West Road (County Route 51) in the Town of Turin.

Tax Map Parcel #305.00-01-09.118

Cynthia Sisto, Snow Ridge Resort – Applicant

The applicant provided the following Project Documentation: 1) Site Plans; 2) Agricultural Data Statement; and 3) SEQR Short Environmental Assessment Form.

▪ *Compatibility With Adjacent Uses:*

The proposed action is located on approximately 5 acres within the Town of Turin’s “B” Zoning District and partially within the Water Overlay District. This action is located within Agricultural District 6 and, according to the submitted SEAF, the applicant has identified that the proposed action is nearby or adjoining agriculture and residential land uses. After review there are several more adjoining agricultural parcels to be added to the ag data statement. Based on the submitted materials, the proposed action could be considered a campground, which is an allowable use in the “B” Zoning District contingent on the receipt of a special use permit.

Lot Frontage:	Approximately 800’ (200’ required)
Road Setback:	Approximately 200 (60’ required)
Side Setback:	Approximately 100’+ (25’ required)
Rear Setback:	Approximately 1200’+(25’ required)

Setbacks were not provided and are based on measurements taken using GIS.

Sites 15 and 16 (1400 square feet) do not meet the minimum size of 1,500 square feet required according to Section 415 of the Town of Turin Rural Development Law.

▪ *Traffic Generation and Effect:*

The submitted SEAF notes that the proposed action will not result in a substantial increase in traffic above present levels. According to the Lewis County GIS, it appears that there is an existing entrance to the property. Should changes be made to the existing entrance, a County Driveway Permit will need to be obtained prior to construction.

▪ *Protection of Community Character:*

According to the SEAF submitted by the applicant, the proposed action is not in a critical environmental area, national or state register of historical places or state eligible sites or archeological site, is not critical habitat to threatened/endangered species, and does not contain all or part of a registered National Natural Landmark. Even though critical habitat is not identified, the IPAC Report identified the Monarch Butterfly and the Northern Long Eared Bat as endangered species native

to the area, if land clearing, avoid the summer months if possible as the butterflies and bats use grasses/shrubs/trees as their summer habitat. As part of this review, an Environmental Assessment Form Mapper was completed; the project site, or any portion of it, is not located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

It should be noted that on June 1, 2022 the Town of Turin Planning Board determined, that based on the information and analysis done, the proposed action will not result in any significant adverse environmental impacts.

- *Signage:*

The proposed action referral did not include plans for a sign; however, if signage is proposed later, applicant should ensure compliance with Article 3, Section 305 of the Town of Turin Rural Development Law.

- *Drainage:*

According to the submitted SEAF, the proposed action will physically disturb 0 acres and will not result in stormwater runoff. This falls below the 1-acre threshold, requiring the applicant to obtain a SPDES permit.

The Environmental Resource Mapper was completed as part of this review and identified multiple Federally regulated riverines as well as a Class C stream.

According to FEMA Flood Map 360376 B, the parcel of land is identified as Zone X as defined as area outside 500-year flood.

- *Parking:*

The proposed project did not detail parking; however, applicant must ensure compliance with Article 3, Section 310. Since the proposed parcel is partially within a Wellhead Protection District, impervious pavements should be avoided to avoid stormwater runoff.

- *Community Facilities:*

According to the submitted project SEAF, the proposed action would connect to existing public water supply or wastewater utilities; however, the provided “Existing and Proposed Sites” indicates sites 23-32 are pending DOH approval. Ensure Department of Health Appendix 75 is followed for all onsite septic systems.

- *Lighting:*

The proposed action did not include lighting. Exterior lighting plans, typical of campgrounds, should be submitted to the Turin Planning Board prior to approval.

- *Landscaping and Screening:*

The applicant did not indicate plans for landscaping and or screenings.

According to Article 3, Section 360 §3j, *commercial use, storage, or application of pesticides, unless authorization by the New York State Department of Environmental Conservation, is prohibited.*

Recommendation: Approve with Conditions

1. Sites 15 and 16 do not meet the size requirements depicted in the Town of Turin Rural Development Law, Section 415.2.
2. Should changes be made to the existing entrance, a County Driveway Permit will need to be obtained prior to construction.
3. Since the proposed parcel is partially within a Wellhead Protection District, impervious pavements should be avoided to avoid stormwater runoff.
4. Applicant must ensure Department of Health Appendix 75 is followed for all onsite septic systems.

Note:

- A.** Multiple parcels were identified of being within 250ft of the property border that are within the Ag District and actively farmed. Please add the following to the provided Agricultural Data Statement form:

305.00-01-12.100

305.00-01-04.110

305.00-01-09.150

305.00-02-10.130

305.00-01-16.000

321.10-01-01.000

- B.** Additionally, the tax parcel referenced on the General Municipal Referral form needs to be updated to 305.00-01-09.118 instead of the listed 305.00-01-09.114.
- C.** Consider amending the Town of Turin’s Rural Development Law to specify that existing campgrounds must conform to Section 415 within one (1) year of the enacted change.
- D.** The Town should consider creating a tracking system, to include permit renewal dates and calendar year occupation information, moving forward. It appears that this permit should have been renewed more than 3 times, based on the regulations, and, in order for applicants to comply with Section 415.10, a tracking system will provide the Zoning Enforcement Officer with this information that is needed.
- E.** The Town of Turin should consider amending their current zoning to include landscaping/screening provision in relation to campgrounds.
- F.** Consider if regulation should be added to address RV’s and campers specifically, similar to the Town of Osceola’s Zoning.
- G.** Other local zoning state that *“Permits expire annually on July 31st and must be renewed annually.”* You may want to consider this as 3 years is an extended period of time.

The Board discussed if this more closely resembled a mobile home park given the nature and history of this project. Mr. Lehman expressed his concern over the renewal process because he thinks the owner should just have to do this once especially if money is being invested in the campground.

The Board recommended approval of this special use permit. There was a discussion about Note F. regarding resident's campers or nonresident campers. Osceola's Recreational Camping Vehicle Law Section 305- Properties without dwellings require a recreational camping vehicle permit if going to be on site for more than thirty (30) days. This regulation also has notable conditions on the permit – to require the RV's remain licensed, registered and inspected for highway use and at all times capable of use on public highways. Additionally, the code specifies no permanent external modification or additions may be made to any recreation vehicle.

Mr. Virkler wanted to state that most of the recommendations are meaningless without an existing campground policy.

With no further discussion, Mr. Lehman made a motion to approve with conditions and additions; Mr. Petersen seconded the motion, which carried unanimously.

Ms. Krokowski then read the final review:

TOWN OF LEYDEN TOWN BOARD

Proposed local land use law that would define regulations associated with solar energy systems in the Town of Leyden.

Town of Leyden – Applicant

The General Municipal Referral Form was submitted by Town Supervisor Rosalie White on behalf of the Town of Leyden. The submission is intended to act as an independent local law and is referred to throughout the proposal as the Solar Energy Local Law of the Town of Leyden.

In summary, the purpose of the solar energy law is to *“advance and protect the public health, safety, and welfare of the Town of Leyden residents by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives in mind:*

1. *to support energy independence and community resiliency by taking advantage of a safe, abundant, renewable, and non-polluting energy resource, to mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, open space, wildlife, and other protected resources, and*
2. *to create collaborations between solar and the potential impact on the environment, neighbors, and the community;*
3. *to identify the ideal locations for solar energy development and to avoid conflict with other land use goals, regulations, and long-term plans;*
4. *to decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;*
5. *to increase employment and business development in the Town, to the extent reasonably practical, by providing a defined framework for review of Solar Energy System projects.”*

Section 3 of the proposed law includes definitions for the various types of solar energy systems and equipment to include building integrated systems, building-mounted systems, ground-mounted systems, roof-mounted systems, solar energy equipment, agricultural solar energy systems, large solar energy systems, small solar energy systems, and solar thermal systems. Small-scale energy systems and agricultural solar systems do not require a site plan review; however, they will be required to obtain a zoning permit. Large solar energy systems consequently will require site plan review.

According to Section 6, D-4 “Proper landscaping and/or site design features, including both the maintenance of the existing natural vegetation and the introduction of new plantings shall consist of a naturally appearing blend of deciduous and coniferous species.” Consider adding “native to New York State” after species. Additionally, consider adding “Invasive or nuisance species shall be avoided in all plantings” with a reference to NYS list of invasive species or similar reference.

Large solar projects face more regulations than small scale solar/agricultural-based on the proposed law. Any Solar Energy System application submitted will be accompanied by a fee per the fee schedule established by the Town of Leyden Town Board. Additionally, any cost above the associated fee incurred shall be borne by the applicant.

It may be beneficial to add to the legislation that Lewis County requires a Commercial Solar Photovoltaic Array Field Permit, in addition to the permits required to the Town of Leyden.

In review of the documents provided, it appears that the Solar Energy System Law addition to the Town’s existing Zoning Law will comprehensively define the regulations set by the Town of Leyden regarding solar energy systems.

Recommendation: Approve with Conditions

1. Section 6, D-4 states “Proper landscaping and/or site design features, including both the maintenance of the existing natural vegetation and the introduction of new plantings shall consist of a naturally appearing blend of deciduous and coniferous species.” We propose you add native to New York following coniferous species. Additionally, consider adding “Invasive or nuisance species shall be avoided in all plantings” with a reference to NYS list of invasive species or similar reference.
2. Consider adding the Farmland Soils and Wetlands Town of Leyden map from the Lewis County Agricultural and Farmland Protection Plan to demonstrate a map of the prime farmland soils and farmland soils of statewide importance.
3. Please consider adding to the legislation that additionally Lewis County requires a Commercial Solar Photovoltaic Array Field Permit, in addition to the permits required to the Town of Leyden; to prevent confusion and promote transparency.

With no further discussion, Mr. Osborne made a motion to approve with conditions; Mr. Virkler seconded the motion, which carried unanimously.

(7) **Report of County Planner:**

- Responses from municipalities regarding previously submitted/reviewed projects:

Project Description	Final Action	Project Description	Final Action
T/West Turin – ACK Redemption Center	Approved w/Conditions	V/Lowville – Stewart’s Shops	Approved

(8) **Unfinished Business:**

None

(9) **New Business:** Ms. Metott inquired about the procedure for if she were involved in a project as a third party, outside her scope as a County Planning Board member. Ms. Metott would be required to recuse herself from voting on that project, and therefore, a quorum that did not include her would be necessary.

(10) **Adjournment:** There being no other business, a motion to adjourn the meeting was made by Mr. Osborne, seconded by Ms. Metott, which carried unanimously. Mr. Petersen adjourned the meeting at 3:54 PM.

Respectfully submitted,

Megan Krokowski
Community Development Specialist